

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

MDL No. 2804

This document relates to:
West Boca Medical Center, Inc. v.
AmerisourceBergen Drug Corp., et al.
Case No. 18-op-45530-DAP

Hon. Dan Aaron Polster

**DEFENDANTS AMERISOURCEBERGEN DRUG CORP.,
CARDINAL HEALTH, INC., AND McKESSON CORP.'S
MOTION FOR ORAL ARGUMENT ON MOTION TO DISMISS**

Defendants AmerisourceBergen Drug Corporation, Cardinal Health, Inc., and McKesson Corporation (collectively, the “Distributor Defendants”) respectfully request that the Court hold oral argument on their Motion to Dismiss in the above action. Due to the volume and complexity of the issues raised in the parties’ briefing on the motion, oral argument will give the parties an opportunity to explain and clarify their positions and respond to any questions or concerns from the Court to help in the Court’s decision-making process.

This Court has routinely found oral argument to be appropriate and helpful in ruling on motions to dismiss in MDLs or other complex litigation dealing with issues of great public importance. *See, e.g., In re Polyurethane Foam Antitrust Litg.*, 799 F. Supp. 2d 777, 781 (N.D. Ohio 2011); *In re Travel Agent Comm’n Antitrust Litg.*, MDL No. 1561, Case No. 1:03 CV 30000, 2007 U.S. Dist LEXIS 79918, at *6 (N.D. Ohio Oct. 29, 2007); *White v. Smith & Wesson*, 97 F. Supp. 2d 816, 820 (N.D. Ohio 2000).

The Complaint is 1,011 paragraphs long, and the allegations span 305 pages. Plaintiffs assert ten separate causes of action against the Distributor Defendants, and the Distributor Defendants have moved to dismiss them all. Further, the Court's resolution of the Distributor Defendants' Motion to Dismiss will inform the progress of the other hospital and medical provider cases in the MDL and narrow the issues in this litigation significantly. Indeed, that is one reason the Court selected this case for motion practice at this time. Given the importance and complexity of the issues raised, oral argument will assist the Court in ruling on the motions and facilitate the creation of a clear record in this important litigation.

For the foregoing reasons, and for good cause shown, the Distributor Defendants respectfully request the Court hold oral argument on their Motion to Dismiss.

Dated: August 17, 2018

Respectfully submitted,

/s/ Robert A. Nicholas

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CERTIFICATE OF SERVICE

I, Ashley W. Hardin, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Ashley W. Hardin
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